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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,088	12/29/2000	Douglas E. Love	7000-051	5020

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EXAMINER
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BORISSOV, IGOR N

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 07/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/751,088

Applicant(s)

LOVE ET AL.

Examiner

Igor Borissov

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jagadish et al. (WO 98/39910) in view of Hata et al. (US 5,602,907).

Jagadish et al. teach a method and system for dynamic split billing of telephone calls, comprising:

As per claims 1-7, 12-16, 17-24, 29-33, 34-41 and 46-53,  
providing toll sharing parameters for a toll call between parties (Abstract; pages 4-5; 10-11; page 12, line 15 – page 14, line 5; page 21);

receiving a toll call signal sufficient to determine costs associated with a toll call (Abstract; pages 4-5; 10-11; page 12, line 15 – page 14, line 5; page 21);

apportioning the costs for the toll call between the parties based on the toll sharing parameters (Abstract; pages 4-5; 10-11; page 12, line 15 – page 14, line 5; page 21);

generating billing information for each party including apportioned charges for the toll call (Abstract; pages 4-5; 10-11; page 12, line 15 – page 14, line 5; page 21);

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defining the toll sharing parameters to apply to any toll calls occurring after the toll sharing parameters are defined (Abstract; pages 4-5; 10-11; page 12, line 15 – page 14, line 5; page 21);

wherein the request is a code dialed by the originating one of the parties configured to initiate cost sharing for the toll call (Abstract; pages 4-5; 10-11; page 12, line 15 – page 14, line 5; page 21);

wherein the toll call signal is received from a carrier facilitating the toll call (Abstract; pages 4-5; 10-11; page 12, line 15 – page 14, line 5; page 21).

Jagadish et al. do not teach that the toll call signal comprises an indicia.

Hata et al. teach a method and system for accounting communication charges, comprising a terminal having a display for presenting a toll call information utilized in a bill sharing charges for a call between parties (Abstract; Fig. 4; column 7, line 64 – column 8, line 20).

It would have been obvious to one having ordinary skill in the art to modify Jagadish et al. to include that said system is adapted to display the toll call indicia, because it would allow hearing impaired customers to use said system.

As per claims 8-9, 25-26 and 42-43, Jagadish et al. teach said method and system, wherein the toll sharing parameters are defined to apply to any toll calls occurring within a defined period of time (Abstract; page 9, lines 15-17; page 11, lines 8-10; page 22, claim 6);

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As per claims 10, 27 and 44, Jagadish et al. teach said method and system, wherein the toll sharing parameters are defined to apply to at least one portion of the toll call (Abstract);

As per claims 11, 28 and 45, Jagadish et al. teach said method and system, wherein the toll sharing parameters are defined to apply to at least one portion of the toll call having a defined length (Abstract; page 9, lines 15-17; page 11, lines 8-10; page 22, claim 6).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

***Washington D.C. 20231***

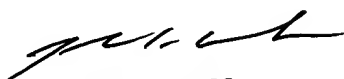
or faxed to:

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**(703) 305-7687** [Official communications; including After Final  
communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal  
Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

FB

  
JOHN G. WEISS  
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